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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 JOSE MENDOZA-GONZALEZ,

9 Petitioner,

2:15-cv-02483-APG-GWF

10 vs.

ORDER

11 DIRECTOR, NEVADA DEPARTMENT
12 OF CORRECTIONS, *et al.*,

13 Respondents.
14 _____/

15 This action is a petition for writ of habeas corpus by Nevada prisoner Jose Mendoza-
16 Gonzalez. Mendoza-Gonzalez filed his petition on December 28, 2015. He has paid the filing fee
17 for the petition. *See* Notice filed February 18, 2016 (ECF No. 4).
18

19 The Court has reviewed Mendoza-Gonzalez's petition, pursuant to Rule 4 of the Rules
20 Governing Section 2254 Cases in the United States District Courts, and determines that it merits
21 service upon respondents and a response by respondents.

22 Mendoza-Gonzalez has filed a motion for appointment of counsel (ECF No. 3). "Indigent
23 state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the
24 circumstances of a particular case indicate that appointed counsel is necessary to prevent due
25 process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986) (citing *Kreiling v. Field*,
26 431 F.2d 638, 640 (9th Cir.1970) (per curiam). The court may, however, appoint counsel at any
stage of the proceedings "if the interests of justice so require." *See* 18 U.S.C. § 3006A; see also,

1 Rule 8(c), Rules Governing Section 2254 Cases; *Chaney*, 801 F.2d at 1196. The record in this case
2 reflects that appointment of counsel is not warranted.

3 **IT IS THEREFORE ORDERED** that petitioner's motion for appointment of counsel (ECF
4 No. 3) is **DENIED**.

5 **IT IS FURTHER ORDERED** that the Clerk of the Court shall separately file the petition
6 for writ of habeas corpus (now attached to the application to proceed *in forma pauperis*, at ECF
7 No. 1).

8 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add Adam Paul Laxalt,
9 Attorney General of the State of Nevada, as counsel for respondents.

10 **IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically serve upon
11 respondents a copy of the petition for writ of habeas corpus and a copy of this order.

12 **IT IS FURTHER ORDERED** that respondents shall have **60 days** from the date of entry of
13 this order to appear in this action, and to answer or otherwise respond to the petition.

14 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have 60
15 days from the date on which the answer is served on him to file and serve a reply. If respondents file
16 a motion to dismiss, petitioner shall have 60 days from the date on which the motion is served on
17 him to file and serve a response to the motion to dismiss, and respondents shall, thereafter, have 30
18 days to file a reply in support of the motion.

19 Dated this 9th day of March, 2016.

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23 UNITED STATES DISTRICT JUDGE
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